



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

999 18TH STREET- SUITE 300

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: ENF-W

JUN - 2 2006

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Platte County Commissioners
c/o Alden H. Prosser, Chair
P.O. Box 728
Wheatland, WY 82201

Re: Notice of Safe Drinking Water Act
Enforcement Action against
Town of Hartville
PWS ID # WY5600186

Dear County Commissioners:

Under the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) administers a program for promoting the safety of public water supplies. In Wyoming, the EPA enforces this program directly because Wyoming does not have primary authority for doing so. When EPA issues an administrative compliance order to a public water system in a state that does not have primary enforcement authority under the SDWA, EPA is required to notify an appropriate locally elected official. Accordingly, the purpose of this letter is to notify you that EPA is issuing an administrative compliance order to a public water system in your county.

An Administrative Order is being issued under Section 1414 of the SDWA to the Town of Hartville, Hartville, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The System is in violation of the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.21(a), 141.63(a)(2), 141.132(b), 141.23(d), 141.21(g)(2), and 141.31(b), for failure to monitor for total coliform bacteria; exceeding the maximum contaminant level for total coliform bacteria; failure to monitor for disinfection byproducts; failure to monitor for nitrate; and failure to report violations to EPA.



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A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Judith Binegar-Wilson of my staff at (303)312-6606.

Sincerely,



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



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Ref: 8ENF-W

JUN - 2 2006

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Darrell Offe, Mayor
Town of Hartville
P.O. Box A
Hartville, WY 82215

Re: Administrative Order
Docket No. SDWA-08-2006-0037
PWS ID # WY5600186

Dear Mayor Offe:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f *et seq.*, and its implementing regulations. Among other things, the Administrative Order finds that the Town of Hartville ("Respondent") is a supplier of water as defined by the SDWA and that it has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.21(a), 141.63(a)(2), 141.132(b), 141.23(d), 141.21(g)(2), and 141.31(b) for failure to monitor for total coliform bacteria; exceeding the maximum contaminant level for total coliform bacteria; failure to monitor for disinfection byproducts; failure to monitor for nitrate; and failure to report violations to EPA.

EPA recognizes that the Town of Hartville has been in compliance with the nitrate rule since 2003 and with the total coliform maximum contaminant level since October 2001.

Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering the Town of Hartville to comply.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information should be sent to Judith Binegar at the address on the letterhead and include the mailcode 8ENF-W, or call




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Judith Binegar at the address on the letterhead and include the mailcode 8ENF-W, or call (800) 227-8917, extension 6606 or (303) 312-6606. If Respondent wishes to have an informal conference with EPA, you may also call or write Ms. Binegar. If Respondent is represented by an attorney, please feel free to ask your attorney to call Michelle Marcu, enforcement attorney, at the above 800 number, extension 6921, or at (303) 312-6921.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure

cc: WY DEQ (via e-mail)
WY DOH(via e-mail)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2006 JUN -2 AM 8:02

IN THE MATTER OF)

Town of Hartville)
Hartville, Wyoming)

Respondent)

Proceedings under Section 1414(g))
of the Safe Drinking Water Act,)
42 U.S.C. § 300g-3(g))
_____)

FILED
EPA REGION VIII
HEARING CLERK

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2006-0037

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 1414(g) of the Safe Drinking Water Act ("the Act"), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. The Town of Hartville (Respondent) is a municipality as defined in Section 1401(10) of the Act, 42 U.S.C. § 300f (10), and is therefore a "person" within the meaning of Section 1401(12) of the Act, 42 U.S.C. § 1401(12), and 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Town of Hartville Water Treatment Plant (the System), located in Hartville, Wyoming, for the provision to the public of piped water for human consumption.

3. The System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. Part 141.
5. According to an August 19, 2004 sanitary survey by an agent for EPA, Respondent operates a system that is supplied by ground water and serves approximately 78 persons per day through 36 service connections.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. § 141.21(a) requires any community water system to monitor the water at least once per month that the system serves water to the public to determine compliance with the Maximum Contaminant Level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. Respondent failed to monitor the water for contamination by total coliform bacteria during the months of August 2002 and September 2005 in violation of 40 C.F.R. § 141.21(a).

II.

1. 40 C.F.R. § 141.21 requires community water systems to monitor the water at least once per month to determine compliance with the MCL for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. 40 C.F.R. § 141.63(a) (2) imposes and defines the MCL for total coliform bacteria, applicable to public water systems collecting fewer than 40 samples per month, as no more than one sample collected during the month may be positive for total coliform bacteria.
3. Monitoring results submitted by Respondent for the public water system during September 2001 exceeded the MCL for total coliform bacteria, in violation of 40 C.F.R. § 141.63(a)(2).

III.

1. 40 C.F.R. § 141.132(b) requires the owner and/or operator of a public water system using only ground water not under the direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons to collect one water sample per year per treatment plant to determine compliance with the maximum contaminant level (MCL) for disinfection byproducts as stated in 40 C.F.R. § 141.64.
2. Respondent failed to monitor the water for disinfection byproducts during 2005 in violation of 40 C.F.R. § 141.132(b).

IV.

1. 40 C.F.R. § 141.23(d) requires public water systems to monitor annually for nitrate to determine compliance with the nitrate MCL as stated in 40 C.F.R. § 141.62.
2. Respondent sampled for nitrate during 2003, 2004, and 2005, but failed to monitor for nitrate in 2002 in violation of 40 C.F.R. § 141.23(d).

V.

1. 40 C.F.R. § 141.21(g)(2) requires public water systems that have failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the violation to EPA within ten days after the system discovers the violation.
2. Respondent failed to report to EPA instances of noncompliance detailed in Section I (for the August 2002 violation only) in violation of 40 C.F.R. § 141.21(g) (2).

VI.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
2. Respondent failed to report to EPA instances of noncompliance detailed in Sections III, IV, and V in violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS

ORDERED:

1. Upon the effective date of this Order, Respondent shall comply with the requirement of 40 C.F.R. § 141.21(a) to perform monthly bacteriological monitoring.
Respondent shall comply with the MCLs as stated in 40 C.F.R. § 141.63.
Respondent shall report analytical results to EPA within the first 10 days of the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
2. Upon the effective date of this Order, Respondent shall comply with the total coliform MCL as stated in 40 C.F.R. § 141.63.
3. During the month with the warmest water temperature in 2006, and per the regulation thereafter, Respondent shall comply with monitoring requirements for disinfection byproducts, as stated in 40 C.F.R. § 141.132(b). Respondent shall collect one sample per year per treatment plant at a location that represents maximum residence time to be analyzed for total trihalomethane (TTHM) and haloacetic acids (five) (HAA5) to determine compliance with the disinfection byproduct MCL as stated in 40 C.F.R. § 141.64(a). Respondent shall report analytical results to EPA within the first 10 days after the end of each quarter in which samples were collected, as required by 40 C.F.R. §§ 141.134(a) and (b).
4. Upon the effective date of this Order, Respondent shall comply with the nitrate monitoring requirements as stated in 40 C.F.R. § 141.23(d) to determine

compliance with the nitrate MCL appearing at 40 C.F.R. § 141.62(b). Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.31(a).

5. Except where different reporting periods are specified below, upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
6. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the system discovers the violation.
7. Reporting requirements specified in this Order shall be provided by certified mail to:

U. S. EPA Region 8 (8P-W-DW)
999 18th Street, Suite 300
Denver, Colorado 80202-2466

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.

2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500, under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. district court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).
3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondent to a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. district court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).
4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 22nd day of June, 2006.

Michael T. Risner

Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Diane L. Sipe

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice